



BOARD OF PAROLE HEARINGS



Panel Attorney Appointment Process Effective January 1, 2014

Purpose: To comply with Title 15, section 2256, which requires the Board of Parole Hearings (Board) provide life-term inmates with attorney representation at state expense if they cannot afford to retain a private attorney at their parole consideration hearing; and to do so in a transparent, evenhanded and standardized way.

Upon appointment by the Board, panel attorneys shall provide legal services to all life-term inmates seeking representation at state expense scheduled for hearings at the assigned prison. The panel appointment process shall be designed to provide, on average, one week per month of assignments to each attorney on the active list of each panel.

Minimum Qualifications: Attorneys may represent life-term inmates at parole consideration hearings by satisfying the following minimum qualifications (MQs):

- (1) Provide proof of "active" status and "good standing" with the California State Bar annually (a copy of said information from the calbar.ca.gov website will suffice);
- (2) Provide proof of malpractice insurance annually;
- (3) Provide proof of documented Tuberculosis (TB) symptom free TST/evaluation annually;
- (4) Attend the annual "Board Orientation" in full (four hours regarding parole hearing processes and four hours regarding the Americans with Disabilities Act); and
- (5) Attend a minimum of six (6) parole consideration hearings since January 1, 2012, as counsel of record or an observer.

Attorney Panels: The Board has grouped the 34 existing adult prisons located throughout the State into 13 Attorney Panels based on their geographic proximity to each other (the prisons in each panel are generally within a three hour drive of each other). The 13 Attorney Panel groupings are identified on

page 5 table with a corresponding map on page 6. Each panel shall be posted on the Board's website.

Panel Lists: Within each panel, two separate lists shall be maintained by the Board – the first list shall include the names of “active” attorneys and the second list shall include “inactive” attorneys. For an attorney to be included on the active list, all MQs must be satisfied annually. For an attorney to be included on the inactive list, only MQ #1 and #4 must be satisfied annually. Prior to advancing from the inactive list to the active list, attorneys shall be provided with two weeks advance notice in order to satisfy the remaining MQs. Each list shall be posted on the Board's website.

Size of Active List: The Board shall initially calculate the number of active attorneys on each panel by adding one attorney for every 65 hearings held between July 1, 2013, and December 31, 2013, at each of the prisons assigned to that panel – with one additional attorney assigned to accommodate absences.

For instance, Panel #6 includes VSP (which held 40 hearings) and CCWF (which held 78 hearings) between January 1, 2013, and June 30, 2013. Under those circumstances, there would be four (4) active attorneys on Panel #6: one attorney for the 40 hearings at VSP; two attorneys for the 78 hearings at CCWF; and one attorney to accommodate absences.

The Board shall re-calculate the number of active attorneys needed for each panel every six months thereafter.

Applications: To be considered for one or more panels, candidates must submit the following to the Board, attention “Scheduling Unit: Panel Attorney Appointments:”

(1) A current resume;

(2) Proof of compliance with MQ #1 and #4 described above; and

(3) A copy of this four-page program description with an original signature indicating acceptance of all the terms described herein.

Candidates may apply for as many panels as they choose but may only be included on three active lists at one time.

Selection Process: The initial selection of attorneys for each panel, and each list therein, shall proceed as follows:

- (1) The Board shall accept applications postmarked or e-mailed no later than December 31, 2013;
- (2) All candidates who demonstrate eligibility through their application shall be ranked in order of experience, which shall be established by calculating the number of full hearings (i.e., hearings resulting in a grant, denial or stipulation) that each attorney conducted between January 1, 2008, and December 31, 2013, whether state appointed or privately retained; thereafter
- (3) The first half of the active attorney list on each panel shall be filled in order of experience among the candidates requesting that panel;
- (4) The second half of the active attorney list shall be filled randomly among all the candidates requesting that panel who were not previously selected; and
- (5) The entirety of the inactive list shall then be filled in the same order the remaining candidates were randomly drawn.

After the initial selection process concludes, all future candidates (whether first time applicants or candidates re-applying following removal from a panel) shall be added to the inactive list in the same order that their application is post-marked.

Removal

From Panel:

When an attorney is offered an appointment by the Board and he or she declines, regardless of the reason, Board staff shall document that occurrence. When an attorney declines an appointment a second time on the same panel in one calendar year, Board staff shall notify the attorney in writing that if they decline an appointment again on that particular panel before the end of the calendar year, regardless of the reason, they will be permanently removed from that panel. In the event an attorney declines an appointment a third time on the same panel in one calendar year, regardless of the reason, Board staff shall remove that attorney from that specific panel and notify the attorney of said action and the opportunity to re-apply.

If a panel attorney demonstrably fails to review the inmate's central file, ADA history or risk assessment in preparation for a parole consideration hearing, or fails to consult with the inmate prior to the hearing, the matter shall be referred to the Executive Officer to determine whether the attorney shall be removed from all Board panels.

If a panel attorney is referred to the California State Bar for alleged misconduct by any state or federal judge or the Chief Counsel of the

Board, or has been charged with a felony crime in any jurisdiction, the attorney shall be suspended from all Board panels during the pendency of the action. If a panel attorney is disciplined by the State Bar, they shall be permanently removed from all Board panels.

Voluntary
Suspension: A panel attorney may request to be suspended from all panels for good cause, as determined by the Executive Officer or designee, for no less than one month's duration.

I agree to all of the terms described above and acknowledge that the Board has not made an offer of employment or a guarantee of appointment. I understand failure to meet or maintain the terms described above may result in my removal from the list of eligible state appointed attorneys entitled to practice before the Board.

_____ Printed Name	_____ CA State Bar Number
_____ Signature	_____ Date
_____ Social Security Number	_____ Date of Birth
_____ Driver's License Number	_____ Office Telephone Number
_____ Cellular Number	_____ E-mail Address

Order of Preference	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13
Panel Number													



California Department of Corrections and Rehabilitation Locations Statewide



Selection Centers



Northern Selection Center
2201 Broadway
Sacramento, CA 95818
(916) 227-2110



Central Selection Center
2510 S. East Ave., Suite 350
Fresno, CA 93706
(559) 445-6141



Southern Selection Center
9055 Haven Ave., Suite 10C
Rancho Cucamonga, CA 91730
(909) 944-6697

CDCR Headquarters



Department of Corrections and
Rehabilitation
1515 "S" St.
Sacramento, CA 95814

CDCR Training Center



Richard A. McGee Training Center
9850 Twin Cities Rd.
Galt, CA 95632

PRISON	HRGS IN PAST 6 MONTHS	WEEKS PER MONTH	NO. OF ACTIVE ATTY'S
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